

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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**FONTAINE L. BAKER,**  
**Plaintiff,**

**v.**

**Case No. 04C0007**

**DANIEL BERTRAND,**  
**Defendant.**

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**ORDER**

On January 6, 2004, Fontaine Baker filed a habeas petition pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his state court conviction and sentence. Subsequently, I screened Baker's petition pursuant to Rule 4 of the Rules Governing § 2254 Cases and ordered respondent to answer. Along with his answer, respondent moved the Court to stay the action because petitioner had pending in the Wisconsin Court of Appeals an appeal from the state circuit court's denial of his § 974.06 post-conviction motion. At the same time, petitioner also requested that I stay the current action for ninety days. Because both parties desired it, I stayed this case until further notification by the parties.

On February 17, 2006, respondent filed a motion to lift the stay because the reasons for issuing the stay are no longer in existence. Specifically, the Wisconsin Court of Appeals issued a decision in Baker's appeal and the Wisconsin Supreme Court summarily dismissed Baker's petition for review. Upon due consideration, I will grant respondent's motion to lift the stay and set forth a briefing schedule.

**THEREFORE, IT IS ORDERED** that respondent's motion to lift the stay is **GRANTED**.

**FURTHER, IT IS ORDERED** that the parties shall abide by the following schedule regarding the filing of briefs on the merits of petitioner's claims: (1) petitioner shall have forty-five (45) days following the date of this order within which to file his brief in support of his petition; (2) respondent shall have forty-five (45) days following the filing of petitioner's initial brief within which to file a brief in opposition; and (3) petitioner shall have thirty (30) days following the filing of respondent's opposition brief within which to file a reply brief, if any.

Pursuant to Civil L.R. 7.1(f), the following page limitations apply: briefs in support of or in opposition to the habeas petition or a dispositive motion filed by respondent must not exceed thirty pages and reply briefs must not exceed fifteen pages, not counting any statements of facts, exhibits, and affidavits.

Petitioner is advised that he must send copies of all future filings with the court to counsel for respondent, no matter whether in letter, brief, memorandum, or other form.

Dated at Milwaukee, Wisconsin, this 26 day of February, 2006.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge